

PHILIP. A. TALBERT
Acting United States Attorney
CHRISTOPHER G. HARRIS
Acting Regional Chief Counsel, Region VI
Social Security Administration
LINDA H. GREEN, TXBN 08365480
Special Assistant United States Attorney
Office of the General Counsel, Suite 350
1301 Young Street, Mailroom 104
Dallas, Texas 75202
Telephone: (214) 767-6154
Facsimile: (214) 767-9228
E-Mail: Linda.Green@ssa.gov

Attorneys for Defendant

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KIMALAE R. SMITH,

Plaintiff,

v.

KILOLO KIJAKAZI,

Acting Commissioner of Social Security,¹

Defendant.

No. 2:21-cv-0326 DB

**STIPULATION TO VOLUNTARY
REMAND PURSUANT TO SENTENCE
FOUR OF 42 U.S.C. § 405(g) AND TO
ENTRY OF JUDGMENT; AND ORDER**

IT IS STIPULATED by and between Plaintiff (“Plaintiff”) and Defendant Kilolo Kijakazi, Acting Commissioner of Social Security (“Defendant”), through their undersigned counsel of record, that the above-entitled action shall be remanded to the Commissioner of Social Security for further administrative proceedings.

¹ Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted, therefore, for Andrew Saul as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 Upon remand, the Office of Hearing Operations will remand the case to an
2 Administrative Law Judge (ALJ) for a new decision and instruct the ALJ to re-evaluate the
3 evidence of record. The parties further request that the Court direct the Clerk of the Court to
4 enter a final judgment in favor of Plaintiff, and against Defendant, reversing the final decision
5 of the Commissioner.

6 This stipulation constitutes a remand under the fourth sentence of Section 205(g) of the
7 Social Security Act, 42 U.S.C. 405(g).

8 Respectfully submitted this 7th day of February 2022.

9
10 Dated: February 7, 2022

Jonathan O. Pena*

(*as authorized via e-mail on February 7, 2022)
Attorney for Plaintiff

11
12 DATED: February 7, 2022

PHILLIP A. TALBERT

Acting United States Attorney

CHRISTOPHER G. HARRIS

Acting Regional Chief Counsel, Region VI
Social Security Administration

13
14
15
16 By: Linda H. Green

LINDA H. GREEN

Special Assistant U.S. Attorney

Attorneys for Defendant

17
18
19 **ORDER**

20 Based upon the parties' Stipulation to Voluntary Remand Pursuant to Sentence Four of
21 42 U.S.C. § 405(g) and to Entry of Judgment, and for cause shown, IT IS ORDERED that the
22 above-captioned action is remanded to the Commissioner of Social Security for further
23 proceedings pursuant to the Social Security Act § 205(g), as amended, 42 U.S.C. § 405(g),
24 sentence four. On remand, the Appeals Council will remand the case to an administrative law
25 judge (ALJ) for a new decision. The Clerk of the Court shall enter a final judgment in favor of
26 Plaintiff, and against Defendant, reversing the final decision of the Commissioner.

27 DATED: February 8, 2022

/s/ DEBORAH BARNES

UNITED STATES MAGISTRATE JUDGE